

I.R.C.P. 59.1. Additurs or Remittiturs in Lieu of New Trial.

Idaho Rules of Civil Procedure Rule 59.1. Additurs or Remittiturs in Lieu of New Trial.

(a) Acceptance or rejection. If a trial court conditionally grants or denies a new trial subject to either an additur or remittitur, the party to whom it is directed shall have 42 days from entry of the order in which to accept or reject the same. If such party files a notice of appeal, the appeal shall not constitute an acceptance nor rejection of the additur or remittitur and such party shall not be required to accept or reject the additur or remittitur until the determination of the appeal.

(b) Effect of appeal. If a party to whom an additur or remittitur is directed is successful on appeal, the case shall thereafter be processed as provided in the opinion determining the appeal. If the order of the trial court granting a conditional new trial is affirmed, the party to whom the additur or remittitur was directed shall have fourteen (14) days from the date of issuance of the appellate remittitur in which to accept or reject the additur or remittitur in a manner consistent with the appellate opinion.

(Adopted June 15, 1987, effective November 1, 1987.)

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